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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,047	09/28/2001	Carl Christian Hansen	42390P11378	4821
8791	7590	10/21/2003	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			LEVITAN, DMITRY	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/967,047

Applicant(s)

HANSEN, CARL CHRISTIAN

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Applicant's amendment, filed 09/22/03, has been entered. Claims 1-28 remain pending.

*Drawings*

In light of Applicant's corrections, the objections to the drawings are withdrawn.

*Specification*

✓ The disclosure is objected to because of the following informalities: typographical error on page 8: "DLAM" instead of DSLAM.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

1. Claims 1-3, 5-8, 10-13, 15, 16, 18, 20, 22, 24-26, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tzannes (WO 01/20864).

Regarding claims 1-3, 5-8, 10-13, 15, 16, 20, 24-26, 28, Tzannes teaches a method, an article, a signal, an apparatus and a framer (id Fig. 1 and 2, 7:19-24, 8:1-24, 9:1-21) comprising: Transmitting and receiving an ADSL stream (id Fig. 1 and 1:22-24, 2:1-24) with a first proportion of voice signal to data signals (Application Profile #2 id 15:1-6) when a telephone coupled to receive the communication stream is in a first state, wherein the voice signal comprises a voice channel that includes both audio signals and line signals corresponding to the voice channel (inherently part of the system, because line signals/dialing are essential for voice calls); and

Transmitting the communication stream with a second proportion of voice signals (Application Profile #1 id 14:17-24) to data signals when the telephone is in a second state, wherein the voice

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signals include line signals corresponding to the voice channel and no audio signals from the telephone and further wherein bandwidth used for the audio signals when the telephone is in the first state is used for data signals when the telephone is in the second state (AP #1 utilizes full connection capacity including the bandwidth used by voice telephone in AP #2).

Regarding claims 16 and 20, Tzannes teaches a control circuit (transceiver 10 and 14 on id Fig. 1 and 19: 24-25, 20:1-5) coupled to a telephone to determine the telephone state and A framer to receive DSL signals and to allot the appropriate bandwidth.(transceiver 10 and 14 on id Fig. 1 and 20:12-25).

Regarding claims 18, 22 and 24, Tzannes teaches a framer to pass DSL signals, to allot an appropriate bandwidth to the telephone in on and off hook conditions (transceivers 10 and 14 on id Fig. 1, 12:13-25, 13:1-13 and 27:9-13).

Regarding claims 25 and 26, Tzannes teaches a framer wherein the allocated bandwidth for on hook telephone is smaller than off-hook telephone and comprises 64 kbit/sec. (id 12:13-25, 13:1-13).

2. Claims 1-3, 5-8, 10-13, 15-18, 20-22, 24-26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole (US 6,373,860).

Regarding claims 1-3, 5-8, 10-13, 15, 16, 20, 24, O'Toole teaches a method, an article, a signal, an apparatus and a framer (id Fig. 9 and 11, 7:25-46, 8:20-60, 5:38-50) comprising: Transmitting and receiving an ADSL stream (id Fig. 9 and 3:50-63, 7:25-46) with a first proportion of voice signals to data signals (Super frame 1 on id Fig. 6 and 6:23-29) when a telephone coupled to receive the communication stream is in a first state, wherein the voice

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signal comprises a voice channel that includes both audio signals and line signals corresponding to the voice channel (overhead signaling id 6:37-41); and

Transmitting the communication stream with a second proportion of voice signals (Super frame 5 on id Fig. 6 and 6:35-36) to data signals when the telephone is in a second state, wherein the voice signals include line signals corresponding to the voice channel and no audio signals from the telephone and further wherein bandwidth (Fig. 6) used for the audio signals when the telephone is in the first state (V of Super frame 1) is used for data signals when the telephone is in the second state (D of Super frame 5).

Regarding claims 16 and 20, O'Toole teaches a control circuit (formatters 36 and 45 on id Fig. 9) coupled to a telephone to determine the telephone state and  
A framer to receive DSL signals and to allot the appropriate bandwidth (formatters 36 and 45 on id Fig. 9).

Regarding claims 18, 22, 24 and 25, O'Toole teaches to allot an appropriate bandwidth to the telephone in on and off hook conditions (id Fig. 10 and 7:47-65).

Regarding claims 17, 21, 26 and 27, O'Toole teaches a framer comprises 8 kbit/s and 64 kbit/sec. (id 4:60-64).

### ***Claim Rejections - 35 USC § 103***

3. Claims 4, 9, 14, 19, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole.

Regarding claims 4, 9 and 14, O'Toole substantially teaches all the limitations of claims 1, 6, and 11 including an 8-bit signal transmitted at 8 kHz ( 4:60-64 and 6:10-15).

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O'Toole does not teach second proportion comprising a 1-bit voice signal transmitted at 8 kHz. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add second proportion comprising a 1-bit voice signal transmitted at 8 kHz to the system of O'Toole, since applicant has not disclosed that using 1-bit at 8 kHz. solves any particular problem and it appears that 2-bits at 8 kHz or 1-bit at 192 kHz would perform equally well.

Regarding claims 19, 23 and 28, O'Toole substantially teaches all the limitations of claims 16, 20 and 24 including a multiplexer (formatter 36 on id Fig. 10) to receive signals from a telephone and pass the additional data signals (data on id Fig. 10).

O'Toole does not teach two multiplexers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use two multiplexers in the system of O'Toole, since such modification is involved a mere making the multiplexer separable – In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349.

4. Claims 4, 9, 14, 17, 19, 21, 23, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzannes.

Regarding claims 4, 9 and 14, Tzannes substantially teaches all the limitations of claims 1, 6, and 11 including an 8-bit signal transmitted at 8 kHz (inherently in the system because Tzannes teaches 64kbits/sec rate for a voice application id 12:13-22).

Tzannes does not teach second proportion comprising a 1-bit voice signal transmitted at 8 kHz. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add second proportion comprising a 1-bit voice signal transmitted at 8 kHz to the system of

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Tzannes, since applicant has not disclosed that using 1-bit at 8 kHz. solves any particular problem and it appears that 2-bits at 8 kHz or 1-bit at 192 kHz would perform equally well.

Regarding claims 17, 21 and 27, Tzannes substantially teaches all the limitations of claims 16, 20, 24 and 26 including 64 kbit/sec rate for a voice application (id 12:13-22).

Tzannes does not teach the first bandwidth comprises 8 kbit/sec.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the first bandwidth comprises 8 kbit/sec to the system of Tzannes, since applicant has not disclosed that using 8 kbit/sec solves any particular problem and it appears that 4 kbit/sec or 16 kbit/sec would perform equally well.

Regarding claims 19, 23 and 28, Tzannes substantially teaches all the limitations of claims 16, 20 and 24 including a multiplexer to receive signals from a telephone and pass the additional data signals (id Fig. 2 and 17:22-25, 18:1-3) in both directions (id 17:3-6).

Tzannes does not teach two multiplexers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use two multiplexers in the system of Tzannes, since such modification is involved a mere making the multiplexer separable – In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349.

### ***Response to Arguments***

5. Applicant's arguments filed 09/22/03 have been fully considered but they are not persuasive.

On pages 13-15 of the Response, Applicant argues that Tzannes does not disclose transmission of line signals.

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Examiner respectfully disagrees.

Tzannes teaches establishing a voice channel in his system AP #2. A voice call set up, when the application profiles are preconfigured, inherently transmit dialing (line signals) as essential part of the call. Therefore, the voice channel of Tzannes includes both audio signals (Voice Telephone) and line signals corresponding to the voice channel (inherent dialing).

Examiner therefore believes that the cited references meet all the claims limitations and the rejection is proper.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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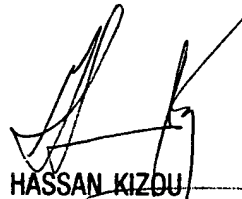
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Dmitry Levitan  
Patent Examiner.  
10/09/03.



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